

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

KEITH ASHLOCK §
v. § CIVIL ACTION NO. 5:17cv209
WENDY KELLEY, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Keith Ashlock filed this civil action under 42 U.S.C. § 1983 alleging deprivations of his constitutional rights. This Court referred the lawsuit to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff was granted an extension of time for 60 days on October 23, 2018 to file an amended complaint. Plaintiff has neither filed an amended complaint nor contacted the Court since his motion was granted. On April 15, 2019, the Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. A copy of this order was sent to Plaintiff's last known address in California but was returned with a notation stating that Plaintiff has moved and the mail could not be forwarded. The Court has no duty to locate the addresses of litigants who do not keep the Court apprised of their current address. *See generally Jones v. Heart*, Civil Action No. 3:13-cv-856, 2014 WL 1665006 (S.D. Miss., April 23, 2014) (A court has no duty to locate addresses for service on behalf of litigants).

Because no objections to the Magistrate Judge's Report have been received, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir.

1996) (en banc).

Having reviewed the pleadings in this cause and the Report of the Magistrate Judge, the Court finds no clear error in the Report of the Magistrate Judge. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 17) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court and that any remaining motions are **DENIED**. It is further

ORDERED the statute of limitations is suspended on Plaintiff's claims for a period of ninety days following the date of entry of final judgment.

So ORDERED and SIGNED this 24th day of June, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE